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November 15, 2022

VIA ECF

Hon. Lorna G. Schofield, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 1106
New York, New York 10007

Re: *Delaney v. 3M Company, et al.*
Civil Action No. 1:22-cv-09544 (LGS)

Dear Judge Schofield:

This firm represent Defendants Tyco Fire Products, L.P. and Chemguard, Inc. in the above-captioned matter, which was just removed to the United States District Court for the Southern District of New York on November 9, 2022.

The Complaint in the instant matter raises the same issues against the same parties as are set forth in numerous matters that are in the multidistrict litigation captioned In Re AFFF Products Liability Litigation (MDL No. 2873), consolidated and assigned to the United States District Court for the District of South Carolina. Plaintiffs' counsel represents many governmental and private plaintiffs whose matters have already been transferred by the Judicial Panel on Multidistrict Litigation (JPML) to South Carolina. Counsel for Plaintiffs and the undersigned expect that the instant matter will also be transferred to The District of South Carolina within the month.

Following the established protocol employed in the MDL matters, our National Counsel, Williams & Connolly, LLP, will shortly be filing with the JPML a notice of potential tagalong litigation concerning the above-captioned matter. Since Plaintiff's counsel does not interpose an objection to the process, it is expected that the matter now assigned to this Honorable Court will be transferred to the MDL once a short-established objection period ends.

In that regard, Plaintiffs' counsel and the undersigned have formally executed a Stipulation and Order Extending Time to Respond, which is enclosed herewith for the Court's consideration. If the Stipulation meets with the Court's approval, given the expected timeline outlined above, we ask that Your Honor, in her discretion, "So Order" the Stipulation.

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If the Court has any questions, please have a member of your staff reach out to me at therten@archerlaw.com or on my direct line (201) 498-8502.

We thank the Court for its attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "TJ Herten", is written over the typed name. The signature is fluid and cursive.

THOMAS J. HERTEN

TJH:ngm

Encl.

cc: Patrick Lanciotti, Esq.
Andrew Croner, Esq.